

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JUNE 18, 2013, IN THE DRAPER CITY COUNCIL CHAMBERS 1020 EAST PIONEER ROAD, DRAPER, UTAH.

“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”

PRESENT: Mayor Darrell Smith, Councilmembers Bill Rappleye, Troy Walker, Jeff Stenquist, and Bill Colbert. Councilmember Summerhays was excused.

STAFF PRESENT: David Dobbins, Tracy Norr, Bryan Roberts, Troy Wolverton, Rhett Ogden, Garth Smith, Joe Bryant, Glade Robbins, Danyce Steck

Study Meeting

1.0 Budget Study Session

5:30 p.m.

1.1 The council met in a study meeting and reviewed the changes to the budget since the adoption of the tentative budget. The changes included funding for school resource officers, crossing guards, and reimbursement for electronic equipment for elected officials. Travel budgets were also discussed.

2.0 Adjourn to Closed Meeting to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual.

2.1 A quorum was not present so a closed meeting was not held. The two councilmembers in attendance and staff members met with a candidate for the finance director position.

Business Meeting

1.0 Call to Order

[7:02:56 PM](#)

1.1 Mayor Pro Tem Stenquist called the meeting to order and welcomed those in attendance. He said Mayor Smith was attending a school board meeting. Councilmember Summerhays was excused, and Councilmember Walker would be joining the meeting later.

2.0 Comment/Prayer and Flag Ceremony

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2.1 Raef Erickson offered the prayer. Troop 1159 led the flag ceremony.

3.0 Presentation

3.1 Michael Wilde, Photographer, Presenting Photo to Draper City

[7:05:26 PM](#)

3.2 Ken Murdock presented a framed photograph of the Draper City Amphitheater's grand opening. The photo was taken by Michael Wilde and has been widely used by the city. Mr. Murdock presented the photo to the city as a gift in recognition of the support that was given for the amphitheater. He said Mr. Wilde owns a business in Draper. Mr. Wilde explained that the image was created with five shots that were composited together to create the image that shows the different lights. Councilmember Colbert suggested using the photo as a fundraiser for the amphitheater. Mr. Wilde said Mr. Murdock could coordinate getting copies of the photo.

4.0 Citizen Comments

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4.1 Steve Maddox, owner of Edge Homes, said he would like to develop in Draper City. He is working with Dave Mast on acquiring property and is aware of storm drain improvements to be done. Mr. Maddox asked what the city plans to do in terms of providing water. He asked if could be provided in 2014. Mayor Pro Tem Stenquist suggested getting details from the city staff, but said the city is not going to pay for additional water delivery up the mountain. With the change in dynamics and possibly fewer units to be developed, some new options may become available. Councilmember Colbert said there is not a time table. Staff knows what can be done to improve capacity.

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4.2 Venna Rice, ReMax agent, said her client is purchasing the old Draper Senior Citizen center for an autism center. She discussed the occurrence of autism and talked about the center. She said several families are moving to Draper because they have heard the clinic is coming here. The center will also create jobs. She asked for the council help in getting property zone changed from RA2 to commercial. Mayor Pro Tem Stenquist said the city must follow the legal process but the council would support getting the zone change done timely. David Dobbins said no application has been submitted. Councilmember Rappleye said he has an autistic grandson, so he is excited about the center.

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4.3 Gary Vaughan, 2126 Falcon Ridge Drive, spoke as chairman of the emergency preparedness committee. He expressed concern about the fire hazard due to the lack of rainfall and water. He asked the council to continue to remind the citizens about the danger of fire and fireworks. He said there are fire safety meetings scheduled in Suncrest and in the Draper City Park. Discussion was held about

getting people to attend those meetings. Councilmember Rappleye asked if the district representatives would distribute a flyer if the city furnished the flyer. Mr. Vaughan said the district leaders could facilitate the distribution. Councilmember Stenquist suggested putting out the electronic message signs about the meeting as well as about the fire danger.

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4.4 Councilmember Walker arrived at the meeting.

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4.5 There were no more citizen comments.

5.0 Consent Items

- a. **Approval of Minutes of June 4, 2013, and June 11, 2013 City Council Meetings**
- b. **Agreement #13-112, Appointing an Appeals and Variance Hearing Officer**
- c. **Real Estate Purchase and Sale Agreement with ReNae P. Ballard Trust and Real Estate Purchase Contract for 1514 East Pioneer Road and Accompanying Addenda**
- d. **Resolution #13-31, Amending the Consolidated Fee Schedule regarding Police Fees**
- e. **Resolution #13-32, Amending the Consolidated Fee Schedule regarding Rental Fees for the Day Barn**
- f. **Ordinance #1050, Amending Draper City Municipal Code Title 5-10 Regarding Rental of City Hall and Use of City Facilities.**

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5.1 A motion to approve the consent items was made by Councilmember Walker and seconded by Councilmember Rappleye.

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5.2 A roll call vote was taken with Councilmembers Walker, Colbert, Rappleye and Stenquist voting in favor. The motion carried.

*****Items 8, 9, 10 and 11 were heard out of order. *****

9.0 Public Hearing: Ordinance #1048, Amending the Draper City Zoning Map to Change the Zoning of Approximately .82 Acre of Property Located at Approximately 12825 South Fort Street from RA1 to RA2, Otherwise Known as the Greenwood Phase 3 Zone Change.

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9.1 Mayor Pro Tem Stenquist said the applicant asked that this item be continued until the next meeting. Mr. Stenquist suggested holding the public hearing at this time.

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9.2 Dennis Workman said a request was made several years ago to change the zoning, but the parcel was not entirely rezoned at that time. He pointed out the area that is currently zoned RA2 and the area which is included in this zone change request. Mr. Workman said the Planning Commission forwarded a favorable recommendation. The zoning will allow four additional lots. The land use plan shows low/medium residential density. Mr. Workman pointed out access that has been identified for the planned future development. Traffic issues across the trail will be addressed in the site plan process.

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9.3 The public hearing was opened. There were no comments and the hearing was closed.

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9.4 **A motion to suspend the rules was made by Councilmember Colbert and seconded by Councilmember Rappleye.**

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9.5 **The motion carried by unanimous vote.**

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9.6 **A motion to adopt Ordinance #1048, amending the Draper City Zoning Map to change the zoning of approximately .82 acres of property located at approximately 12825 South Fort Street from RA1 to RA2, otherwise known as the Greenwood Phase 3 Zone Change, based on the findings in the staff report and the recommendation of the Planning Commission was made by Councilmember Colbert and seconded by Councilmember Rappleye.**

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9.7 Councilmember Rappleye commented that he is glad the Planning Commission was quite thorough and he feels RA2 is appropriate for this area which is in transition. Councilmember Walker said he didn't see any negative votes from the Planning Commission. Councilmember Rappleye said there was a thing about the gate. Councilmember Colbert said those issues can be resolved. He said this is infill development which he feels is good. He noted it is consistent with the adjacent zoning.

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9.8 **A roll call vote was taken with Councilmembers Colbert, Rappleye, Walker and Stenquist voting in favor. The motion carried.**

10.0 Public Hearing: Ordinance #1051, Amending the Draper City Zoning Map to Change the Zoning of Approximately 2.62 Acres of Property Located at approximately 12955 South Boulter Street from RA1 to RA2, Otherwise Known as the Pedersen Zone Change.

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10.1 Dan Boles said the request is to change the zoning which allows 20,000 square foot lots. He said about a month ago another similar request was approved on Boulter Street. He showed the location of the property. He said a portion of the lots in the area have split zoning but this particular piece is zoned RA1. It complies with the land use plan for low/medium density residential. He noted animal rights are still allowed in RA2 zones. He said the rezone would allow 4-5 lots. He said a question came up with the recent nearby zone change about drainage. The engineering department feels there is sufficient capacity with the storm drain. The Planning Commission has recommended approval. Councilmember Colbert said the developer would have to install curb, gutter, and sidewalk for this area.

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10.2 Orla Pedersen, the property owner, said some of the neighbors had concerns about sewer. He said the elevation of the sewer at the end of Salz Way is 9 feet. The property slopes to the north. He said he hoped the planning commission would look at that carefully. He said he hopes there will be curb and gutter on both sides and a private lane would not be allowed.

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10.3 The public hearing was opened.

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10.4 David Wheatley said he shares a border with Mr. Pedersen. He has no objections with the rezoning other than the concern about the drainage. He discussed the runoff from the mountain and said there is a drainage ditch through the property. At one time, kids floated down that ditch. The ditch does not go into the drainage system. There has not been drainage in the ditch since the city rerouted the water in the park. There is a detention pond that breached once. He said he wants to make sure the city looks at the drainage very carefully.

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10.5 David Dobbins noted the applicant is not present.

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10.6 Kent Mortenson said he owns property just to the south. He said he does not object to the zoning but is concerned about the number and size of lots. Councilmember Colbert said the development must still meet minimum lot sizes.

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10.7 There were no further comments and the hearing was closed.

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10.8 Councilmember Rappleye asked what happens on the drainage issue. Mr. Boles said the next step is an application for a subdivision. That requires grading and drainage plans. The sewer district will need to sign off on the plat. He said the developer must make sure they do not create runoff problems for the neighbors. These concerns are addressed during the plat process. Councilmember Stenquist said he has not heard concerns about the zoning.

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10.9 The applicant, Boyd Bradshaw, said the request is consistent with the area. Councilmember Colbert said there was concern about the number of lots. He pointed out there is no guarantee of the number of lots and the number will be determined by the plat.

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10.10 A motion to suspend the rules was made by Councilmember Walker and seconded by Councilmember Rappleye.

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10.11 The motion carried by unanimous vote.

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10.12 A motion to adopt Ordinance #1051, amending the Draper City Zoning Map to change the zoning of approximately 2.62 acres of property located at approximately 12955 South Boulter Street from RA1 to RA2, otherwise known as the Pedersen Zone Change, based upon the staff recommendations and the planning commission recommendation was made by Councilmember Walker and seconded by Councilmember Rappleye.

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10.13 Councilmember Walker said he thinks this change makes sense and is within the character of the neighborhood. The number of lots will have to conform to the code, but there is no reason why they should not be able to make this subdivision work. Councilmember Rappleye added that there is an opportunity to solve some problems such as the drainage.

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10.14 A roll call vote was taken with Councilmembers Walker, Rappleye, Colbert, and Stenquist voting in favor. The motion carried.

[8:00:09 PM](#)

10.15 David Dobbins said additional notices will be given when the subdivision application is being considered.

8.0 Public Hearing: Ordinance #1049, Vacating 11.25 Feet of the Public Right of Way on 900 East and 11.25 Feet of Public Right of Way on 12200 South, at the Southwest Corner of 900 East and 12200 South, Otherwise Known as the Quilter's Lodge Street Vacation.

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8.1 Dennis Workman said the property owner would like to expand her business and create Quilter's Lodge across the street from her existing business. The problem with site plan approval is that the property does not accommodate the planned business. The street wide of way is 11.25 feet wider than needed for city standards, so the applicant has asked to purchase 3,226 square feet of right of way. Mr. Workman showed photos of the property. Staff recommends approval. He said the applicant is not ready to make an offer at this meeting but would like to know if the city is willing to vacate the property. If the property is vacated, the next step is to declare the property as surplus and consider the sale of the property. Mr. Dobbins said any future road cross section would approve the street improvements. Mr. Workman said WaterPro does have some utilities in the right of way and would like to ensure an easement is maintained. That will be addressed at the site plan phase.

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8.2 The applicant, Leesa Clark-Millerberg, offered to answer questions.

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8.3 The public hearing was opened. There were no comments and the hearing was closed.

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8.4 A motion to suspend the rules was made by Councilmember Rappleye and seconded by Councilmember Colbert.

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8.5 The motion carried by unanimous vote.

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8.6 A motion to adopt Ordinance #1049, vacating 11.25 feet of the public right of way on 900 East and 11.25 feet of public right of way on 12200 South, at the southwest corner of 900 East and 12200 South, otherwise known as the Quilter's Lodge Street Vacation, was made by Councilmember Rappleye and seconded by Councilmember Colbert.

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8.7 Councilmember Rappleye said the engineering department has determined this is appropriate for this area and the action clears the way to make use of the property.

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8.8 A roll call vote was taken with Councilmembers Rappleye, Colbert, Walker, and Stenquist voting in favor. The motion carried.

11.0 Public Hearing: Local Consent for WingNutz, Located at 12300 South 121 East, for a Full Service Restaurant Alcoholic Beverage License.

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11.1 David Dobbins said WingNutz currently holds a limited service liquor license. They would like a full service license which allows them to serve beer, wine, and liquor. They will need to get state approval for the license. It complies with all of our ordinances. Councilmember Colbert asked if there are licenses available. Councilmember Rappleye asked if they must change the menu. Mr. Dobbins said they must still meet the ratios but are able to sell additional beverages. He does not know if there are state licenses available.

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11.2 The public hearing was opened. There were no comments and the hearing was closed.

[8:10:13 PM](#)

11.3 A motion to suspend the rules was made by Councilmember Colbert and seconded by Councilmember Walker.

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11.4 The motion carried by unanimous vote.

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11.5 A motion to approve the local consent for a full-service restaurant alcoholic beverage license for WingNutz, located at 12300 South 121 East, was made by Councilmember Colbert and seconded by Councilmember Walker.

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11.6 Councilmember Colbert said they have been a good business and have had no alcohol violations.

[8:11:09 PM](#)

11.7 The motion carried unanimously.

6.0 Public Hearing: Resolution #13-30, Amending the 2012-2013 Fiscal Budget.

[8:11:31 PM](#)

6.1 Danyce Steck reviewed the budget amendment. She said the amendment is to adjust the budget close to the year-end estimates and allocated additional funds to the addition to city hall instead of the CIP funds. She said the impact fee funds need to be dedicated to the project and have the project fully funded. She said the year will end with the

maximum fund balance of 25% as allowed by law. She said there are some budget issues that need to be addressed in the future, but this budget amendment puts the city in a strong position for this year and next year. She then reviewed the revenue adjustments which included increases in Salt Lake County personal property taxes, property tax collection in Utah County, sales taxes and energy sales taxes, license and permit fees, passports, and recreation fees. These increases total about \$1.9 million, which will be applied to the \$2 million for the police facility. The other adjustments include \$560,000 reductions in wages and benefits because of the vacancies in some of the executive positions, \$1.45 million savings in operations, \$625,000 savings in rollback taxes in Utah County, reductions in park projects. There was also an allocation of \$15,000 for Salt Lake County for homeless shelters. She said the Class B & C road funds has one year's worth of revenue. The only over and under has to do with a change in insurance coverage for an employee. Capital improvement projects funds increased due to state funding of Suncrest Drive rehabilitation for \$5 million and the allocation of that project. State money of \$500,000 was also provided for Lone Peak Business Park roads. The city will match 20% but this will incentivize some economic development for that area. The city hall addition for the police will include a transfer of \$2 million from the general fund and \$626,687 from the police impact fee fund. The total funding for the project is almost \$3.3 million. This should fully fund the project. The emergency operations center funding will be reduced to \$175,000 this year and \$150,000 in the next budget year. The fund balance for the CIP fund, with the changes listed, will be \$2.8 million. The storm water fund will be increased \$1.9 million for contributions from developers from the Zions Bank settlement and that will be allocated to a project. The drainage improvements to reduce the impact of storm water on Lynn Cutler's property have been allocated. Funds for the Coyote Hollow and Traverse Ridge Road project have been allocated for the detention basin portion of the project. She said the city has a dam permit that will expire in October, so this funding will begin the work. The police impact fee fund has increased revenue and the allocation of the city hall addition.

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6.2 The public hearing was opened.

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6.3 Shawn Benjamin, 360 West 13165 South, asked how some of the additional funds might affect the budget long term.

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6.4 Mrs. Steck said the property tax increases have been carried forward into the next year. The only increase that won't is license and permits as those tend to be one-time money. All of the future revenues have been accounted for and one-time sources are set for one-time expenses.

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6.5 There were no further comments and the hearing was closed.

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6.6 Councilmember Walker thanked Mrs. Steck. He said the city has been good at keeping staff costs down. He said he feels that money should be set aside for the town center area into some design concepts for something historic around the Park School property. Councilmember Rappleye agreed that there is a window of opportunity. Housing, attractions, and walk-able areas need to be considered. David Dobbins said the RDA Sand Hills budget includes \$50,000 to start. Historic streets signs have been discussed. Councilmember Rappleye said he would like to use the historic logo. Mr. Dobbins said the city still has the street elevation drawings.

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6.7 **A motion to suspend the rules was made by Councilmember Walker and seconded by Councilmember Colbert.**

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6.8 **The motion carried by unanimous vote.**

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6.9 **A motion to adopt Resolution #13-30, amending the 2012-2013 fiscal budget, with the idea to allocate money from the RDA for town center improvements was made by Councilmember Walker and seconded by Councilmember Colbert.**

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6.10 Mayor Pro Tem Stenquist thanked Danyce Steck for her work on the budget. He said he was pleased that we can fully fund the police addition. Councilmember Rappleye said he has learned that these things do not happen overnight. It takes a lot of work and the city is doing fine. Mayor Pro Tem Stenquist added his thanks to David Dobbins and the staff. Councilmember Walker noted that other cities are increasing taxes.

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6.10 **A roll call vote was taken with Councilmembers Walker, Rappleye, Colbert and Stenquist voting in favor. The motion carried.**

*****Items 12 and 13 were heard out of order. *****

12.0 **Ordinance #1052, Amending Draper City Municipal Code Title 6-6 Regarding Fireworks.**

[8:46:09 PM](#)

12.1 Don Buckley, UFA Fire Marshal, discussed the upcoming fireworks season and some proposed amendments to the fireworks ordinance. He gave an overview of the state legislative action relating to fireworks. The change to Draper City's ordinance is to add a ban for "sky lanterns" or other unmanned fires.

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12.2 City Attorney Doug Ahlstrom recommended making the ordinance effective immediately upon adoption.

[8:51:08 PM](#)

12.3 A motion to approve Ordinance #1052, amending Draper City Municipal Code Title 6-6 regarding fireworks, effective immediately, was made by Councilmember Rappleye and seconded by Councilmember Colbert.

[8:54:17 PM](#)

12.4 A roll call vote was taken with Councilmembers Rappleye, Colbert, Walker, and Stenquist voting in favor. The motion carried.

[8:54:42 PM](#)

12.5 Councilmember Colbert said the firework signs need to go up this week and Maridene Hancock needs to get information out about the new ordinance.

13.0 Agreement #13-183 with Think Architecture, Inc. for Construction of an Addition to City Hall.

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13.1 David Dobbins said an RFP was solicited for a new police facility adjacent to city hall. Because of the cost, that was not an option. He met with Tim Soffe, who originally built city hall, who determined that an addition could be added to city hall. Due to the urgent need to get the contract in place before June 30, Mr. Dobbins recommended contracting with Mr. Soffe, who is part of Think Architecture. He suggested amending the agreement in the packet to change the fee to 6% and include an option for construction management. He noted we do not need a bid process for the professional services.

[8:58:22 PM](#)

13.2 A motion was made by Councilmember Colbert to approve agreement #13-183 with Think Architecture, Inc. for the construction of an addition to City Hall, with the changes as discussed. The motion was seconded by Councilmember Rappleye.

[8:58:48 PM](#)

13.3 Councilmember Colbert said we have had good experience with the principals of the company and hope for continued success. Mr. Dobbins thanked Mr. Soffe and his firm for their quick response. He said there are options for the construction to meet the financing available.

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13.4 The motion carried unanimously.

[9:01:21 PM](#)

13.5 A short recess was called.

7.0 Public Hearing: Resolution #13-29, Adopting the 2013-2014 Fiscal Budget.

[9:14:19 PM](#)

7.1 Danyce Steck said the resolution adopts the budget and the certified tax rate. She said the equalized tax rate is lower than last year. She said the collection rate for Utah County has gone up. She reviewed where the city's rates compare to other cities and said some of those cities are considering tax rate increases and some cities raise their tax rates on an inflationary basis. She said she feels that the TRSSD rate can be lowered next year. Mrs. Steck then reviewed the general fund changes since the tentative budget. The Salt Lake County property tax revenue increases by \$49,468 based on the certified tax rate and the Utah County revenue reduces by \$47,520. Sales tax increase will be carried forward from this year. Other tax revenues increase, particularly the hotel tax. License and permit fees have been increased, and charges for services will increase. Fines decrease by \$40,000. Changes to expenditures related to wages and benefits for the city manager, additional staffing in the police department, contract services for police overtime, weapons procurement, funding for expending the state liquor tax. A transfer to the CIP will increase to \$935,040. Funding for Drug-Free Draper (\$10,000), a council allowance for personal equipment and vehicles (\$7,200), an increase in the contract with Jeff Hartley for PRADA work, and funding for another five crossing guards will be added to the general fund. The rest of the funds did not change. A cost of living adjustment for staff was included. David Dobbins thanked Danyce Steck for her work. He said the budget is balanced and there is flexibility in the budget for the next year. He added that the options for the additional crossing guards will be discussed before the school year begins.

[9:30:33 PM](#)

7.2 The public hearing was opened. There were no comments and the hearing was closed.

[9:30:56 PM](#)

7.3 David Dobbins said the only CIP projects that were added are those added by the state. A lot of projects are five years old so it didn't make sense to add more projects. We need to start looking at impact fees that we have collected as well as future impact fee charges. Councilmember Colbert said impact fees need to be raised in Suncrest. Councilmember Walker said he would like a discussion in the future with the school district regarding funding of school resource officers. Mr. Dobbins said we have told them the cost is disproportional and needs to be reviewed. Councilmember Colbert suggested having a discussion with the council of governments. Mr. Dobbins said we are also pursuing grant funding for the positions. Mayor Pro Tem Stenquist said the budget reflects positively on the city.

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7.4 A motion to suspend the rules was made by Councilmember Walker and seconded by Councilmember Rappleye.

[9:36:16 PM](#)

7.5 The motion carried by unanimous vote.

[9:36:21 PM](#)

7.6 A motion to adopt Resolution #13-29, adopting the 2013-2014 fiscal budget, including the amendments as discussed, was made by Councilmember Walker and seconded by Councilmember Rappleye.

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7.7 A roll call vote was taken with Councilmembers Walker, Rappleye, Colbert, and Stenquist voting in favor. The motion carried.

15.0 Adjourn to Redevelopment Agency Meeting, Municipal Building Authority Meeting, and Traverse Ridge Special Service District Meeting

[9:37:25 PM](#)

15.1 The meeting adjourned to meetings of the Redevelopment Agency, Municipal Building Authority, and Traverse Ridge Special Service District.

14.0 Council Manager Reports

[9:50:36 PM](#)

14.1 The meeting reconvened.

[9:50:46 PM](#)

14.2 Mayor Smith reported that the new middle school will be named Draper Park Middle School.

[9:52:38 PM](#)

14.3 Councilmember Rappleye asked that the council reconsider the fence along the school. He suggested a process to help the homeowners replace or repair their fences with an amount of about \$4,200. He said he would like the council to look at the swales, maintenance, and encroachments of property in Suncrest. Councilmember Stenquist agreed that we should look at our current policy. Discussion was held about a trampoline which is on the property the city bought.

[9:58:33 PM](#)

14.4 Councilmember Colbert said the fireworks signs need to go up quickly. He said there is a meeting tomorrow for several of the councilmembers.

[9:59:37 PM](#)

14.5 Glade Robbins said “no parking” signs have been posted on the north side of 12650 South between Pony Express and 125 West.

[10:01:40 PM](#)

14.6 Mayor Smith said he suggested Velora Whitman as grand marshal for Draper Days. The council expressed their support.

16.0 Adjournment

[10:01:22 PM](#)

16.1 A motion to adjourn was made by Councilmember Walker and seconded by Councilmember Rappleye. The motion carried unanimously. The meeting adjourned at [10:02:36 PM](#).